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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,075	09/30/2003	Takeshi Konno	TOW-045RCE	8343
959	7590	04/30/2007		
LAHIVE & COCKFIELD, LLP ONE POST OFFICE SQUARE BOSTON, MA 02109-2127			EXAMINER NGUYEN, NAM V	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 04/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/677,075	Applicant(s) KONNO, TAKESHI	
	Examiner Nam V. Nguyen	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/4/07</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This communication is in response to applicant's Amendment which is filed January 4, 2007.

An amendment to the claims 1-6 has been entered and made of record in the application of Konno for an "electronic key system for vehicle" filed September 30, 2003.

Claims 1-6 are pending.

Response to Arguments

Applicant's arguments with respect to claims 1-6, filed January 4, 2007, have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isoda et al. (US# 6,515,580) in view of Yoshida et al. (US# 5,124,565).

Isoda et al. disclose an electronic key system for a motorcycle (see Figures 1 to 4), comprising an antitheft unit (22) mounted on the motorcycle (see Figure 4) and an owner identification device for transmitting a signal to said antitheft unit (22) through an antenna (23) (column 1 lines 44 to 51; see Figure 1-3),

wherein said transmitting antenna (23) is installed on an instrument panel (21 and 24) of said motorcycle (column 1 lines 45 to 56; see Figure 4); wherein said transmitting antenna (23) is installed near the center of rotation of said handle bar assembly (15), wherein said instrument panel (21 and 24) is disposed around a handle bar assembly (15) near the center of rotation of said handle bar assembly (15), and wherein the instrument panel (21 and 24) turns as said handle bar assembly turn (column 1 lines 45 to 56; column 4 lines 26 to 34; see Figure 4).

However, Isoda et al. did not explicitly disclose the electronic key for transmitting a response signal in response to receiving a request signal.

In the same field of endeavor of antitheft unit of a motorcycle, Yoshida et al. teach that electronic key (18) (i.e. a code transmitter) for transmitting a response signal (i.e. a response code signal) in response to receiving of a request signal transmitted from said control apparatus (16) through a transmitting antenna (17) (column 5 lines 45 to 62; column 9 lines 13 to 29; see Figures 5 and 11 to 12) in order to improve ease of operation.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize transmitting a response signal in response to receiving a request signal taught

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by Yoshida et al in the operation of a remote control transponder carried on the key of Isoda al. because the code transmitter for transmitting a response code signal in response to receiving of a request signal would improve operation of an antitheft control unit of a motorcycle.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isoda et al. (US# 6,515,580) in view of Yoshida et al. (US# 5,124,565) as applied to claim 1 above, and in view of Yamamoto (US# 6,078,293).

Referring to claims 2-3, Isoda et al. in view of Yoshida et al. disclose an electronic key system for a vehicle according to claim 1, however, Isoda et al. in view of Yoshida et al. did not explicitly disclose wherein said instrument panel has one or more instruments and a board for securing said instruments thereto, and wherein said transmitting antenna is provided on said board.

In the same field of endeavor of remote keyless entry system, Yamamoto teaches that wherein said instrument panel (1) (i.e. column switch) has one or more instruments (1D to 1E) (i.e. levers) and a board (1C) (i.e. a main body) for securing said instruments (1D to 1E) thereto, and wherein said transmitting antenna (1C) is provided on said board (1C) (column 2 lines 26 to 65; column 3 lines 9 to 44; see Figures 1 to 3) in order to obtain the best transmission strategy for transmitting and receiving signals from a remote keyless entry apparatus.

One of ordinary skilled in the art recognizes the need to put an antenna in a column switch within the switch main body for a keyless entry system of Yamamoto in an operation switch panel of a motorcycle of Isoda et al. in view of Yoshida et al. because Isoda et al. suggest

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it is desired to place an antenna in an appropriate position of a vehicle body to transmit signal (column 1 lines 50 to 56; see Figure 1) and Yamamoto teaches that an antenna of a transceiver unit is mounted on a printed circuit board of a switch main body to receive signals from a an keyless entry apparatus (column 2 lines 44 to 65; column 3 lines 9 to 18) in order to improve the signal receiving sensitivity. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to put an antenna in a column switch within the switch main body for a keyless entry system of Yamamoto in an operation switch panel of a motorcycle of Isoda et al. in view of Yoshida et al. with the motivation for doing so would have been to provide a reliable transmitting and receiving signals in the antitheft device for a motorcycle.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isoda et al. (US# 6,515,580) in view of Yoshida et al. (US# 5,124,565) as applied to claim 1 above, and in view of Caldwell (US# 4,132,994).

Referring to claims 4-6, Isoda et al. in view of Yoshida et al. disclose an electronic key system for a vehicle according to claim 1, however, Isoda et al. in view of Yoshida et al. did not explicitly disclose further comprising a shade mounted around said instrument panel, and wherein said transmitting antenna is installed on said shade; characterized in that said shade is made of a resin, and characterized in that said transmitting antenna is installed on an inner wall surface of said shade.

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In the same field of endeavor of radio antenna for motorcycle system, Caldwell teaches that a shade (18) (i.e. a transparent windshield) mounted around said instrument panel (column 3 line 64 to column 3 line 5), and wherein said transmitting antenna (44) (i.e. an elongated antenna element) is installed on said shade (18) (column 3 line 52 to column 4 line 20); characterized in that said shade is made of a resin (i.e. non-conducting or glass windshield), and characterized in that said transmitting antenna (44) is installed on an inner wall surface of said shade (18) (column 2 line 64 to column 4 line 35; see Figures 1 to 5) in order to avoid damage.

One of ordinary skilled in the art recognizes the need to install an antenna on a windshield of Caldwell in a remote control unit of a motorcycle of Isoda et al. in view of Yoshida et al. because Isoda et al. suggest it is desired to place an antenna in an appropriate position of a vehicle body to transmit signal (column 1 lines 50 to 56; see Figure 1) and Caldwell teaches that an antenna is mounted on a transparent windshield of a motorcycle (column 2 line 64 to column 4 line 35) in order to avoid damage to the antenna. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to install an antenna on a windshield of Caldwell in a remote control unit of a motorcycle of Isoda et al. in view of Yoshida et al. with the motivation for doing so would have been to provide a reliable transmitting and receiving signals in a remote keyless entry system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
April 24, 2007



BRIAN ZIMMERMAN
PRIMARY EXAMINER